REMARKS

The response to arguments makes three points. Firstly, it is argued that Zigmond discloses a content source that may be any storage medium carrying recorded video programming. See first paragraph of response to arguments on page 2. Secondly, it is argued that Applicant argued that Zigmond merely indicates that "repository must have a medium that is capable of storing encoded video programming, not one that stores a streaming content," but that the claims recite no such limitation. Finally, it is argued that Zigmond meets the limitation of an interface to utilize the information segment to identify the location while the content is still stored in the cache by way of using EPG triggers to insert ads in the programming, by using the info segment to identify the location, while content is stored in the cache. See the third paragraph of the response to arguments.

In the third paragraph of the claim, an interface utilizes an information segment to identify a content location and an advertisement to insert in said location. The interface utilizes an information segment to identify a location in the content while the content is still stored in the cache.

Thus, the significance of the content storage in the cache is not just that sometimes, somewhere, the content is stored in a cache, but, rather, that it be stored in a cache in the receiver so that the advertisement can be inserted into the content while the content is stored in that cache.

The fact that the content might be stored outside the receiver, for example in the head end prior to transmission to the receiver, is not of any help in figuring out how to insert the advertisement into the content in the receiver. Thus, it is respectfully submitted that even if Zigmond did disclose storing content at column 7, lines 9-12, he is storing it at the head end, not in the receiver. Therefore, it is of no pertinence to the claims.

Further, it is suggested that the Applicant argued limitations that are not in the claims. It is not believed that the quote attributed to the Applicant is anywhere to be found in the response. At the bottom of page 5 of the Applicants' previous response, it was indicated that Applicants interpreted Zigmond that the content is streamed, not stored. The problem with Zigmond is that he does not store the content at all. He simply streams it through a video switch. In the switch he somehow claims to be able to insert the advertisement into the content by way of such a digital switch. It is not believed that such an implementation would be feasible and may not even be possible.

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If reliance would be maintained on Zigmond, it must be shown where Zigmond stores the content when he inserts the advertisement. It is respectfully submitted that this will be an impossible task.

Finally, it is suggested in the last paragraph of the response to arguments, that Zigmond meets the requirement of an interface to utilize the information segment to identify the location while the content is still stored in the cache. This is not exactly an accurate statement of what the claims cover. The claims require an interface that utilizes the information segment to identify a content location, as well as an advertisement to insert in that location and to utilize the information segment to identify the location while the content is still stored in the cache. Thus, the Examiner's point seems to be that Zigmond does identify a location in the content to insert the advertisement while the content is still stored in the cache. If true, this would be significant. However, it has not indicated anything about where Zigmond teaches this, other than it is somehow in connection with the EPG.

There is no discussion of an "EPG" in Zigmond and no citation is provided for supporting the position taken in the office action. In Figure 5, there is an electronic program database 81 that does act like an EPG. But all the electronic program database is utilized for is to figure out what the program is whose content is being streamed through the video switch. This information can then be used to determine what advertisement. No matter what the electronic program database 81 tries to do, it cannot possibly, and never is intended to, store the content while the advertisement is inserted.

Looking at Figure 5, the point where the advertisement is inserted is in the video switch shown in Figure 5. There is no storage because it is explicitly explained that the advertisement is streamed through the video switch and the advertisement is inserted on the fly. The electronic programming database has nothing to do with this operation, other than simply to help pick what advertisement might be inserted based on the television program, the assumption being that different ads might want to be inserted in different programs. See, for example, column 12, lines 60-62.

It is explained at column 13, line 21 *et seq.* that it is the video switch that inserts one particular advertisement into each advertisement slot that the channel surfer encounters as he or she processes through the channel lineup. Nothing here teaches anything about storing the content in the cache and inserting an advertisement using other information while the program is stored in the cache.

Further, in the summary, in column 4, line 45 *et seq.*, it is explained that an appropriate time indicated by a triggering event, the video programming feed is interrupted and the selected advertisement is displayed to a viewer using a display screen. See also Figure 3 where it is shown that the ad 54 may be provided from the content provider or inserted in the household ad insertion device 59, into what is obviously the video content stream 52. Item 52 is "video programming feed," clearly suggesting streaming video. See column 7, line 6.

While it does indicate that the source could be a local affiliate or even videotape, at the point in time shown in Figure 3, that source (which would be up in block 59) is now streaming towards the display 61. Thus, even if it was simply stored outside the receiver 56 in the content provider 50, it is now clearly being represented as streaming data on its way to the display 81 by virtue of the graphical representation as arrow 51 and by virtue of the description of it as being a programming feed. It is explained in column 8, line 33, that a video switch toggles between the video programming feed 52 and the selected advertisement and transmits the selected data feed to the display device 58.

The video switch 68 may be actuated at an appropriate time indicated by triggering events delivered to the advertising trigger source. It is clear that there is a "stream" or "video feed" and that the switch 68 inserts the advertisements on the fly without any teaching of putting a portion of the content in a cache and finding a place to insert the advertisement in the content while the content is stored in a cache. For example, there is an extensive discussion about triggering events. Clearly, a triggering event is that thing which enables one to determine where in the streaming video to insert the ad. If the content were cached, you would not need a triggering event since you have time to find where to put the advertisement in the content. For example, once the information is stored in the cache, you do not need to determine an appropriate time to insert the selected advertisement, you need to just find an appropriate place. This greatly simplifies the insertion process. Contrast the following language from Zigmond: "Such a pattern may be interpreted by add insertion device 60 and video switch 68 to be a triggering event indicating an appropriate time to insert a selected advertisement."

All in the same vein, in column 15, lines 57 *et seq.*, it is explained that the switching decision unit 88 identifies the presence of a triggering signal and prompts the video switch 90 to interrupt display of the video programming feed and to insert in its place the selected advertisement. The video is described as a "video programming feed," which plainly demonstrates an ongoing stream of video into which the advertisement is inserted without

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caching. Again, it is explained in the ensuing lines that the switch is one example of the means for interrupting the delivery of the "video programming feed" and delivering "at the appropriate time" the selected advertisement. Certainly, if the content were cached, there would be no reason to discuss video feeds or appropriate times for insertion since all that would matter is appropriate places for insertion of the ad.

Further substantiating the Applicants' position, it is stated in column 16, line 20, that the video switch 90 selects between "real-time video programming feed" and real-time advertisement feed. All these references make it clear that the video is being streamed, not cached at the time the advertisement is inserted.

A "video programming stream" is described at column 16, line 31. "Video programming feed" and video programming stream are used interchangeably.

With reference to Figure 6, the video switch is explained as being activated, thereby "interrupting the display of the video programming feed and displaying the selected advertisement." The switch is interrupting a feed and thereby it must be streaming video into which the switch somehow inserts the advertisement.
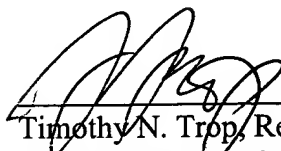
As still further evidence, it is explained in claim 1 at column 20, line 10, that the advertising content is inserted "into the video programming being displayed." If the programming being displayed is what is having the advertisement inserted into it, clearly it must be streaming, not cached video at the time of insertion.

Thus, there is overwhelming evidence that the information in the form of video content is streamed and, while it is being streamed, the advertisements are inserted on the fly using a switch in the cited reference. This is in contradistinction to the claimed invention which requires that the content be stored at the time the advertisement is inserted. Since there is no teaching of this concept in the cited reference, this reason is at least a sufficient basis for allowing the application.

Therefore, reconsideration is requested.

Respectfully submitted,

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